

Notice of Allowability

Application No.

10/034,274

Examiner

L. G. Lauchman

Applicant(s)

PENG ET AL.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendments received on 9/22/2004 and 8/12/2004.
2. ☒ The allowed claim(s) is/are 1-21 and 25-33.
3. ☒ The drawings filed on 12 August 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
as of 9/15/2004 <u>as of 9/15/2004.</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Allowable Subject Matter

Claims 1-21, 25-33 are allowed.

According to the "Amendments" received 9/22/2004 and 8/12/2004, the applicants amended claims 1, 15, 17-21, and 30-33, canceled claims 22-24, and presented arguments in favor of allowance of the existing claims. The applicants demonstrated to the Examiner's satisfaction that the primary reference of Vezard (US 5,581,356) is not applicable to the applicants' invention.

As to Claim 1, the prior art of record taken along or in combination, fails to disclose or render obvious the features of the present invention, in which said first bandpass light filters having wavelength bandpass characteristics which cooperate with wavelength bandpass characteristics of second bandpass light filters to form additional bandpass ranges when a filter on said first filter supportmember is used with a filter on said second filter support member, in combination with the rest of the limitations of the claim.

The dependent Claims 2-14 are allowed by virtue of their dependence upon Claim 1

As to Claim 15, the prior art of record taken along or in combination, fails to disclose or render obvious the features of the present invention, in which at least one filter wheel mounted in front of said light source output, said filter wheel comprising a plurality of light filters, and a section devoid of a light filter to allow light to be passed through said filter wheel without being filtered, said filter wheel being mounted for

rotation and positioned, dimensioned and configured to be adjusted by the user's thumb while the user grasps said handle with his remaining fingers, in combination with the rest of the limitations of the claim.

The dependent Claims 16-21 ,25-29 are allowed by virtue of their dependence upon Claim 15.

As to Claims 30-33, the prior art of record taken along or in combination, fails to disclose or render obvious the features of the present invention, in which said filter wheel (or said first and second filter support members) being mounted for rotation and positioned, dimensioned and configured to be adjusted by a user's thumb while the user grasps said handle with his remaining fingers, in combination with the rest of the limitations of the claims.

Conclusion

Papers related to this application may be submitted to Technology Center 2800 by facsimile transmission. Papers should be faxed to TC 2877 via the PTO Fax Center located in CP4-4C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Center number is (703) 872-9306.

If the Applicant wishes to send a Fax dealing with either a Proposed Amendment or for discussion for a phone interview then the fax should:

a) Contain either the statement "DRAFT" or "PROPOSED AMENDMENT" on the Fax Cover Sheet; and

b) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to L. G. Lauchman whose telephone number is (571) 272-2418. The examiner's normal work schedule is 8:00am to 4:30pm (EST), Monday

through Friday. If attempts to reach examiner by the telephone are unsuccessful, the examiner's supervisor Gregory J. Toatley, Jr. can be reached on (571) 272-2059, ext. 77.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC receptionist whose telephone number is (571) 272-1562.

A handwritten signature in black ink, appearing to read 'L. G. Lauchman', with a large, stylized loop in the middle.

L. G. Lauchman
Patent Examiner
Art Unit 2877

September 30, 2004